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The European Union and Migration Management in Fragile States

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Irregular migration from Africa through the Sahel towards Europe has increased significantly in the last decade. Migration and migration management is no longer perceived as just a humanitarian issue but has become an integral part of the European Union's foreign and security policy. Although the EU has used its power of a large donor to influence local migration management in the Sahel, it will have to calibrate its policy in such a way that it better responds to the needs of the local populations and does not create "invisible walls".

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The EU's concern about large-scale migration from and through countries in the Sahel such as Niger is not new. It started with the Cotonou process and agreement in 2000. In Mali, migration-management issues have been a part of that country's relationship with the EU since 2006. Mauritania also received considerable attention from the EU between 2006 and 2009 as migrants travelled in small boats from Mauritania to the Canary Islands. Thus, while EU policies in this field in the Sahel is not new at all, what has changed is the number of migrants transiting and how this has affected EU policies.

This earlier process started to take a more systematic form already in 2011 with the publication of the EU Strategy for Security and Development in the Sahel, which pioneered the EU's "comprehensive approach" to development and security. The conflict that erupted in Mali in 2012 pushed the issue of the Sahel further up the EU agenda, and the migration-management crisis of 2014/15 propelled the Sahel even higher on the EU foreign policy agenda.¹ The consequence of this is that the security-migration nexus is emerging as the main frame for the Union's policy engagement in the region. Thus, whereas development programming and humanitarian assistance continues, what frames the EU-Sahel relationship in political terms is a much narrower security agenda. This is evident when we review the new EU security-related programmes in the region.

This has consequences for the EU and for the countries in the Sahel that are confronted with a Union that to a larger extent than previously is pushing a new architecture of migration management as the main issue in its relationship with the states of the Sahel.² However, what has happened and still happens will not only have important ramifications for the EU and its external relations with the states of the Sahel. This process could also have huge implications on the ground in the politically fragile and administratively weak states in the region. The transport of migrants has been intimately connected to local economies and livelihoods, and disrupting this economic activity will have consequences both for local populations and may also transform informal migrant-facilitating activities to proper transnational crime.³ Thus, using Niger as the case, the question asked in this paper is what happens when migration becomes securitised in a country whose relative stability is based on a fine-grained compromise carefully constructed between the elite in Niamey and peripheral elite in a transit migration centre such as Agadès. This ancient desert town for a while became the migrant transit capital of the Sahel. In 2016, it is estimated that 50% of the migrants that reached Lampedusa (Italy) had travelled through Agadès.⁴ In the years thereafter, the number of migrants and refugees travelling the Central Mediterranean Route suggest that the EU's approach to the "transit-migrant hub" of Agadès has significantly reduced the number of migrants and refugees passing through this town.⁵ However, as the analysis will show, the EU's approach could also be undermining a number of local compromises that have helped Niger achieve a higher degree of resilience towards the political crises that have destabilised neighbouring Burkina Faso and Mali.

Thus, using Niger as the case, the question asked in this paper is what happens when migration becomes securitised in a country whose relative stability is based on a fine-grained compromise.

¹ M. Bøås, "Rival Priorities in the Sahel—Finding the Balance between Security and Development," Nordic Africa Institute Policy Note no. 3, 2018.

² See: E.M. Stambøl, "The rise of crimefare Europe: fighting migrant smuggling in West Africa," *European Foreign Affairs Review* 24(3), 2019, pp. 287-308; M. Bøås, P. Rieker, "EUNPACK Executive Summary of the Final Report & Selected Policy Recommendations", EUNPACK, 2019.

³ J. Brachet, "Manufacturing smugglers: from irregular to clandestine mobility in the Sahara," *The ANNALS of the American Academy of Political and Social Science* 676(1), 2018, pp. 16-35.

⁴ F. Molenaar, T. van Damme, "Irregular Migration and Human Smuggling Networks in Niger," Clingendael Report February 2017.

⁵ Recent unconfirmed figures from Agadès, however, suggest that the number of migrants is rising again and some sources report numbers as high as 800 migrants passing through the city every week (information obtained from sources in Niamey, October 2021).

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Local Consequences of Migration Management

The EU has attempted to create a new security architecture for migration management in the Sahel. This makes a poor and weak state such as Niger an agent of externalised European border control. To achieve this, the EU swiftly implemented new policies and redefined existing ones to a focus on security sector reform and border management. Consequently, an administratively weak and politically fragile state as Niger suddenly found itself navigating an increasingly chaotic web of international assistance programmes and military interventions on the ground in some of the world's most weak and fragile states. Together, these new initiatives constitute a governance architecture for migration management that effectively blurs the lines between development assistance and migration control as well as whose interests this serves. While this approach clearly has reduced the number of migrants and refugees transiting through Agadès towards Europe, it may also lead to

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increased pressure on political, economic, and social systems that already are struggling to stay afloat. Ultimately, this may result in more conflict, radicalisation, and eventually also more refugees. A “Fortress Europe” in the Sahel with extended border control deep in the desert can have severe negative consequences both for the Sahel and Europe.

Despite numerous international efforts and the signing of a peace agreement for Mali in Algiers in 2015, the situation on the ground has gone from bad to worse. The conflict has spilled over from northern Mali to the centre of the country and from the central parts of Mali also over the border to Burkina Faso and to the region of Tillabéri in Niger.⁶ Consequently, the EU and other concerned members of the international community are fearing a larger spillover also to other neighbouring countries. This is evident in Niger where the U.S. is building a major drone base in Agadès and has deployed about 800 Special Forces on the ground, and EU programming is also rapidly increasing in Niger.⁷

There may be good reasons to increase the military assistance to Niger and other states in the Sahel. Nonetheless, external actors such as the EU face a challenge to determine not only what the balance should be between their priorities and the needs of the states in the region but also the needs of the people who live there. Europe wants fewer northbound migrants and refugees, and the elimination of what Europe understands as a potential global terrorist threat, but this may not necessarily be the main priority of the inhabitants of the Sahel. Their concern is more intimately tied to local living conditions, which have come under immense pressure lately, whereas external interventions increasingly have taken a narrow security-first approach.⁸ This is problematic, as what is currently taking place in the Sahel is a multi-dimensional crisis that cannot easily be reduced to migrants, refugees, and jihadi-inspired terrorist groups. The multi-dimensional features of the crisis confront the EU and the international community with huge challenges, as the very weakness of the state in the Sahel means that they lack the institutional-response capacity needed to make conventional large-scale external crisis-response effective.⁹

Irregular migration from Africa through the Sahel towards Europe is not new, but an immense increase took place between 2015 and 2016 through the Central Mediterranean Route that connects the Sahel and North Africa to Italy. According to Frontex,¹⁰ the total number of migrants and refugees

⁶ N. Rupesinghe, M. Bøås, “Les Facteurs Locaux Contribuant à L’Extrémisme Violent Dans le Centre du Mali,” UNDP, 2019.

⁷ J. Penny, “Drones in the Sahara: a massive US drone base could destabilize Niger—and may even be illegal under its constitution,” *The Intercept*, 18 February 2018; M. Bøås, “The Sahel Crisis and the Need for International Support,” Nordic Africa Institute Policy Dialogue no. 15, 2019.

⁸ M. Bøås, “Rival Priorities in the Sahel ...,” *op. cit.*

⁹ M. Bøås, “Fragile states as the new development agenda?” *Forum for Development Studies* 44(1), 2017, pp. 149-154.

¹⁰ Frontex, “Central Mediterranean Route,” 2017, <http://frontex.europa.eu/trends-and-routes/central-mediterranean-route/>.

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arriving on Italian shores and ports was about 40,000 in 2013 but climbed sharply to about 154,000 in 2015 before it peaked at more than 181,000 in 2016. For most of the people who travelled the Central Mediterranean Route, Niger and Mali were the preferred transit countries. The reason for this is that many of these migrants originated from other member states of the Economic Community of West African States (ECOWAS), and as part of the ECOWAS Treaty, citizens of member countries have the right to passage in all ECOWAS states. Thus, these citizens should be free to move all the way to the borders of Algeria and Libya. In the case of Niger, this is a right that the EU in effect has tried to undermine.

Thus, as the EU succeeded in shutting down the Eastern Mediterranean Route through the agreement with Turkey, the Union started to search for new and innovative ways in which new, as well as existing policies and programmes could be utilised to reach a similar sharp reduction in arrivals to Europe along the Central Mediterranean Route. The answer the EU found was EUCAP-Sahel, the European Trust Fund for Africa, and similar programmes that either already had a focus on security-sector reform and improved border management or could be redefined for such a purpose. This is an approach clearly indicating a new direction in EU foreign policy in which the idea of Europe as a normative power is much less visible than European interests in improved border management in the Sahel, a concept that for all practical purposes translates into preventing migration to Europe through improved border control by the states in the Sahel.

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Niger and Agadès—Another Castle in the Sand?

In Niger, the mandate and resources of EUCAP Sahel Niger was strengthened to allow it to work with and support Nigerien security forces to crack down on irregular migration. Basically, this is an attempt to pay the Nigerien state to prevent migrants from going further north. In addition, the EU urged the government of Niger to adopt a new law (Nigerien Law 036) that would criminalise migrant smuggling, making all forms of support to facilitate the crossing of an international border without legal authorisation in exchange for financial gain illegal. The law imposed high penalties, including imprisonment, confiscation of property and removal from public office.¹¹

In Niamey, this law was quickly implemented without much debate, suggesting that the Niger government was clearly acting under a lot of pressure from the EU and important European donor

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countries. Niger ranks last in the Human Development Index and therefore in dire need of both humanitarian and development assistance, and the EU is Niger's most important donor, contributing €34.06 million in 2021 in humanitarian assistance in areas and regions affected by conflict, epidemics, widespread food shortages, and high undernourishment rates among children; for the period 2017-2020, a €1 billion development envelope was agreed between the EU and Niger.¹² Both in Niamey and Agadès, the majority of the informed public strongly

¹¹ Transporting or simply housing foreigners (ECOWAS citizens included) can bring penalties of up to XAF 30 million (about €45,700) in fines and 30 years in prison. See also: ICG, "Managing Trafficking in Northern Niger," *Africa Report* no. 285, 2020.

¹² See: EU, "Niger—Fact Sheet," 2021, https://ec.europa.eu/echo/where/africa/niger_en; European Commission, "EU will Support Niger with Assistance of 1 Billion Euro by 2020," 2017, https://ec.europa.eu/commission/presscorner/detail/en/IP_17_5233

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believe that the billion euro development envelope was a reward for the Nigerien government for implementing and enforcing Law 036.¹³ In the case of Agadès, many of the inhabitants believe that the town not only had benefited from migration but also managed migration quite well. According to many interviewees,¹⁴ the population of the neighbourhoods where migrants stayed benefited. In addition, there were traders, motel owners, and the people who housed them who also earned a living from taking care of and selling goods to the migrants.

Migration management in Agadès was conducted as follows: once the migrants arrived at the bus station in the town, they were greeted by someone who would take care of them during their stay in Agadès, hosting them at their home, and finding them a vehicle to continue. This is not the case anymore, as the international community has prevented migrants from coming to the town.

Thus, what the EU understands as a security risk may therefore very well have been just a way of life locally: a livelihood strategy due to the lack of other possibilities to earn a living. External security concerns are therefore not necessarily shared by those that live in these areas. Based on our interview material, it is obvious that a good number of people in Agadès believe that the European attempts at externalising migration control have deprived them of an important aspect of their livelihood. The question is, however, what implications this may have for stability in a politically fragile country such as Niger. At least, according to the Secretary General of the Governor of Agadès who in an interview with the author argued that the “EU reconversion plan [that is, the plan to support alleged human smugglers to take up other types of legal livelihoods—author] had only targeted a small minority of the smugglers in Agadès, generating great frustrations and tensions”.¹⁵

A good number of people in Agadès believe that the European attempts at externalising migration control have deprived them of an important aspect of their livelihood.

Political and social stability is not something that can be taken for granted in Niger. Since independence from France in 1958, Niger has been through a volatile political history. Military regimes and different republics have come and gone, with frequent military coups and rebellions in the peripheral northern parts of the country. The Tuareg minority in the north have rebelled on several occasions, and the general lack of livelihood options gives insurgencies the opportunity to recruit amongst youth who see little prospects for a better future. In fact, working in the transit migration “hub” that developed around Agadès was one of the few growth sectors in the country that gave people the means to earn some extra money.¹⁶

Prior to the new European focus on Niger and Agadès, the number of informal “travel agencies” that offered trips from Agadès to Sebha in Libya increased significantly from 15 in 2007 to 70 in 2013.

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Similarly, the number of so-called “ghettos” offering accommodation to migrants rose from around 10 to about 100.¹⁷ The result was that for the first time in decades, Agadès became a “boom” town. Although clearly not sustainable and could not be the future of Agadès, the dismantling of much of the migration economy deprived local people of an opportunity to earn a living. Support for alternative livelihoods were promised, but the view of the population of Agadès is that this

¹³ See also ICG, “Managing Trafficking ...”, *op. cit.*

¹⁴ Interviews in Agadès (10 November 2019) with people who had worked in different parts of the “migration industry” in Agadès.

¹⁵ Interview in Agadès, 7 November 2019.

¹⁶ See: L. Raineri, “Human smuggling across Niger: state-sponsored protection rackets and contradictory security imperatives,” *Journal of Modern African Studies* 56(1), 2018, pp. 63-86.

¹⁷ *Ibidem.*

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has not happened. All the EU and the international community cares about is the migrants. As one interviewee in Agadès told us, “the EU and the international community pay the cost of transportation for migrants to return to their homes. They are given food and their health is taken care of, but what support has Agadès received? Commitments have been made, but they have not been respected”.¹⁸

This is exactly what has happened in this part of Niger. When the new Law 036 that the EU pressured the state to push through was implemented, it criminalised smuggling migrants outside Agadès. However, while the letter of the law is concerned with smuggling migrants outside Agadès, in practice the effort of enforcing this law starts in Agadès. Local human rights activists tend to think that Law 036 has weakened the region’s economy. Before, 6,000 migrants left each week. There were formalities with the police, accommodation in “ghettos”, catering, and other services worth about XAF 60 billion a year. Now all that has dried up, the whole chain suffers; sellers of water cans, firewood, landlords, etc., and the repressive nature of the law (e.g., the seizure of smugglers’ vehicles, which are auctioned off) is widely despised by the population.¹⁹

While the enforcement of the law has been strict, it is not enforced equally. Some groups are targeted more than others. Those less targeted are those close to the state. In this case, the Tuareg elite that control the administration of Agadès in collaboration with Niamey, while most of the vehicles confiscated in the clampdown on the migration “industry” have belonged to Tebu traffickers.²⁰ The Tebu are a small minority group in Niger, constituting less than a half percent of the population, that historically has been politically marginalised and economically deprived. However, for a short time, the Tebu were able to improve their situation by gaining a prominent position in transit migration due to their control of the Tummo border-crossing to Libya. What has happened will only add to this group’s already lengthy list of grievances against the state. However, with regard to state stability, a more pertinent question is what will happen with the current alliance between the regime in Niamey and the Tuareg elite of Agadès. When the former president, Mahamadou Issoufou, who built the current regime in power in Niamey, assumed the presidency, his rise to power was supported by several groups, but he made a particular alliance with the Tuareg elite that control Agadès and thereby also a considerable part of the migration industry. The Tuareg elite needed a political patron in Niamey and the regime in power needed both their political and economic support. The Sultan of Agadès plays a key role in this regard. He has continued the practice of his father by trying to be close to whoever is in power in Niamey while simultaneously being an arbitrator between Niamey and local chiefs. Thus, the current Sultan is close to the ruling party’s branch in Agadès, to the extent that his wife is an elected PM for the president’s party. The Sultan’s traditional role as an impartial arbitrator between the Tuareg tribes has therefore changed to him being a main interlocutor between the power in charge in Niamey and the strongmen of the region. This may up until now have kept an informal ruling coalition that unites elite interests in the centre and the periphery together.

There are indications that this alliance is threatened as the rulers in Niamey are under pressure by the EU to limit the activities of smugglers that are part of state-sponsored protection rackets. Less economic activity in the city will also hurt the elites, and the interviewees revealed that even well-connected smugglers of Tuareg origin had been arrested. Most of these had only spent some months in prison, but they had to pay high fees to get out, to the extent that some well-connected smugglers even had to sell their villas to raise the money necessary to secure their release from prison. This is not a chain of events that will go down well with a local elite that in the past has rebelled against state authority. Not only could this come to undermine the political compromise between the local

¹⁸ Interview with a local citizen in Agadès, 12 November 2019.

¹⁹ Interview with human rights activists in Agadès, 12th November 2019.

²⁰ Raineri, “Human smuggling across Niger ...,” *op. cit.*

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Agadès elite and the regime in Niamey but also prove precarious to the foundation of European migrant management in Niger.

Conclusion

The issue of migration and border control is not a new item on the EU agenda. What is new is the extent to which it has come to inform and determine a number of other policy issues. The EUTF and EUCAP Sahel illustrates this trend. It is not possible to understand the current fusion of security and development policy that the EU and the Member States are implementing in the Sahel without taking the issue of the new architecture of migration management that the EU seeks to implement into consideration.

Thus, while the Trump administration in the U.S. talked about building a wall on the border with Mexico, the EU is constructing less visible “walls” in the Sahel by working through local governments.

What the EU is trying to achieve is an intervention in fragile states in the Sahel such as Niger, in which a transit-migrant hub like Agadès is transformed into a European extrapolated border post. Thus, while the Trump administration in the U.S. talked about building a wall on the border with Mexico, the EU

is constructing less visible “walls” in the Sahel by working through local governments. While this strategy has had some initial success—if success is measured by fewer migrant arrivals on European shores—it is not necessarily sustainable.

The main reason for this is that the EU, like all other external stakeholders, struggles to find the balance between narrow security concerns and the larger developmental agenda in which hard security is but one part of a larger equation. In abstract terms, the EU knows what is required: the states of the Sahel need stability, transparency, and legitimate institutions that can extract revenue from taxes, fees, and duties to deliver economic development, services, and make their countries more resilient to climate change.²¹ The EU is at least in theory also aware that its policies in a fragile political environment like the Sahel should be context and conflict sensitive. The problem for the EU is how to achieve this in fragmented, conflict-prone societies where the very idea of the state has eroded, if not completely vanished, and this takes place in a situation where the due diligence agenda of “do no harm” quickly comes in conflict with another crucial European interest, namely to reduce northbound migration as much as possible before these migrants reach the shores of the Mediterranean.

The challenge that this constitutes is also obvious when we consider the track-record of the EU and the international community at large in assisting state-building efforts in fragile states. Most often, these fall short of achieving their stated objectives, even at times making a difficult situation turn worse, leaving countries on an artificial international life-support system. This may prevent total state collapse, but it certainly does not represent a sustainable path to recovery, stability, reconciliation, and development. The EU and the international community also struggled with this prior to the refugee and migration-management crisis of 2014/2015, but the new and narrower focus that a “European security first” approach represents has only made it harder to imagine other and more sustainable solutions. This suggests that the current approach that seems to give priority to immediate EU interests in the long run may achieve the opposite. It would certainly not be without irony, albeit a tragedy to Niger, if an unintended

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²¹ O.H. Fjeldstad, M. Bøås, J.B. Bjørkheim, F.M. Kvamme, “Building Tax Systems in Fragile States: Challenges, Achievements and Policy Recommendations,” CMI, 2018, <https://www.cmi.no/publications/6491-building-tax-systems-in-fragile-states-challenges>.

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consequence of the externalisation of European migration management contributed to undermining the stability of the regime that Europe depends upon for this purpose.

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